

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-10 are pending in this application. Claims 1, 9 and 10 are amended by way of the present amendment.

The claims have been amended to refer to broadcast basic data including at least broadcast program schedule and past audience rating information, and updated audience rating information. The amended claims are supported, in part, by the specification on page 8, beginning at line 6. No question of introduction of new matter is believed raised by the amended claims.

The present invention is directed to, as recited in the pending claims, an information presentation system and an information presentation method. The information presentation system includes a distribution means for distributing, to the data presentation client, broadcast basic data including at least broadcast program schedule and past audience rating information, and updated audience rating information. With such a system, sponsors can efficiently perform bidding for inserting information, such as an advertisement, into provided data from a service provider, such as a broadcast program.

Claims 1-10 are rejected under 35 U.S.C. § 103(a) over “Buying air time online” published in *Broadcasting & Cable* on February 28, 2000, by Richard Tedesco (Tedesco) and in view of ordinary business practice.

Turning to the § 103(a) rejection, Tedesco describes methods of buying air time online. In the system operated by BuyMedia.com, an agency or media buyer defines the terms of the inventory it wants and posts a form containing this information on the website. Media outlets respond with prices to match the contract. In another system operated by AdOutlet.com, a private bidding process is employed where media buyers can view menus of

available inventory with prices being sought and buyers can submit bids that only the buyer and seller can see. The seller accepts or rejects the bids.

In the information presentation system according to claim 1, a distribution means distributes, to the data presentation client, broadcast basic data including at least broadcast program schedule and past audience rating information, and updated audience rating information. There is no disclosure or suggestion in Tedesco of a system having such a distribution means. There is no mention of distributing past or updated audience rating information to a data presentation client. Tedesco describes two basic models where bidding occurs for spots in specific programming posted online and an approach where media buyers describe the kind of inventory they are seeking and post parameters to solicit bids.

Accordingly, there is no disclosure of the system of claim 1 in Tedesco.

The Office Action relies upon “ordinary business practice” described as providing upper and lower price boundaries for auctioning practices. Even if such a concept could be incorporated into that described by Tedesco, the combination would still fail to suggest the system of claim 1, since neither Tedesco nor the “ordinary business practice” suggests the system having the distribution means recited in claim 1. Claim 1 is therefore patentably distinguishable over Tedesco considered alone or with “ordinary business practice” described in the Office Action. Withdrawal of the rejection of claim 1 is respectfully requested.

Claim 10 recites an information system which also includes the distribution means described above in claim 1. Accordingly, claim 10 is also patentable over Tedesco considered alone or with the “ordinary business practice” described in the Office Action. Withdrawal of the rejection of claim 10 is also respectfully requested.

Claim 9 recites an information presentation method of inserting presented data into provided data including a distributing step of distributing to the data presentation client, broadcast basic data including at least broadcast program schedule and past audience rating

information, and updated audience rating information. Evident from the description of Tedesco above, there is no disclosure of such a method in Tedesco as there is no mention of distributing the recited broadcast basic data and updated audience rating information. Such a method including the recited distribution step is also not obvious from the “ordinary business practice” of setting bidding limits described in the Office Action. Accordingly, claim 9 is also patentably distinguishable over Tedesco considered alone or combined with “ordinary business practice.” Withdrawal of the rejection of claim 9 is also respectfully requested.

It is respectfully submitted that the present application is in condition for allowance and a favorable decision to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Carl E. Schlier
Registration No. 34,426

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)